

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

RALPH SANTANIELLO

Petitioner

v.

FEDERAL BUREAU OF PRISONS

*Respondent**(name of warden or authorized person having custody of petitioner)*

Case No. _____

*(Supplied by Clerk of Court)*FILED
IN CLERKS OFFICE
2020 FEB 24 AM 10:55
U.S. DISTRICT COURT
DISTRICT OF MASS.

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: RALPH SANTANIELLO
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: FCI -LORETTO
(b) Address: 772 SAINT JOSPEH STREET, LORETTO, PA 15940
MAILING: P.O. BOX 1000, CRESSON, PA 16630
(c) Your identification number: 99727-038
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: United States District Court - District of Massachusetts, Donohue Federal Building, 595 Main Street, Worcester, MA 01608
(b) Docket number of criminal case: 3:16-CR-30033-001-TSH
(c) Date of sentencing: 04/10/2018
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: FEDERAL BUREAU OF PRISONS

(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):

THE FBOP IS NOT GIVING ME TIME SERVED OR GOOD TIME CREDIT FOR THE 3 MONTH AND 20 DAY TIME SERVED BETWEEN MY SENTENCING DATE IN NEW YORK (12/21/17) AND MY SENTENCING DATE IN MASSACHUSETTS (04/10/18).

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: I HAVE CONTINUALLY CONTESTED THIS WITH THE COUNSELORS AT FCI-LORETTO

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: THE FBOP IS NOT GIVING ME TIME SERVED OR GOOD TIME CREDIT FOR THE 3 MONTH AND 20 DAY TIME SERVED BETWEEN MY SENTENCING DATE IN NEW YORK (12/21/17) AND MY SENTENCING DATE IN MASSACHUSETTS (04/10/18).

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: I WAS INSTRUCTED BY THE COUNSELORS AT FCI-LORETTO TO FILE THIS PETITION

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals? _____

☐ Yes

☐ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: THE FBOP IS NOT GIVING ME TIME SERVED CREDIT FOR THE 3 MONTH AND 20 DAY TIME I SERVED BETWEEN BY SENTENCING DATE IN NEW YORK (12/21/17) AND MY SENTENCING DATE IN MASSACHUSETTS (04/10/18).

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

JUDGE HILLMAN DURING MY SENTENCING SPECIFICALLY SAID THAT I WAS TO RECEIVE CREDIT FOR TIME SERVED. I AM NOT RECEIVING CREDIT FOR TIME SERVED.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: THE FBOP IS NOT GIVING ME GOOD TIME CREDIT FOR THE 3 MONTH AND 20 DAY TIME I SERVED BETWEEN MY SENTENCING DATE IN NEW YORK (12/21/17) AND MY SENTENCING DATE IN MASSACHUSETTS (04/10/18).

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

JUDGE HILLMAN DURING MY SENTENCING SPECIFICALLY SAID THAT I WAS TO RECEIVE CREDIT FOR TIME SERVED. I AM NOT RECEIVING CREDIT FOR TIME SERVED.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: I RESPECTFULLY REQUEST THAT I RECEIVE TIME SERVED AND GOOD TIME CREDIT FOR THE 3 MONTH AND 20 DAY TIME SERVED BETWEEN MY SENTENCING DATE IN NEW YORK (12/21/17) AND MY SENTENCING DATE IN MASSACHUSETTS (04/10/18).

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

02/20/2020

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

02/12/2020



Signature of Petitioner

Signature of Attorney or other authorized person, if any